

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:
BMS SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal Exhibit A to the [Proposed] Final Order and Judgment Granting Final Approval to Proposed Class Action Settlement With the BMS Group, Approving Proposed Allocation of Settlement Funds, and Approving Class Counsels' Application for Attorneys' Fees, Reimbursement of Litigation Expenses and Incentive Awards to Class Representatives ("Proposed Final Order").

Exhibit A is a list of all consumers and third-party payors who have filed a request for exclusion. The fact that a third party-payor or an individual's name appears on this list is protected health information pursuant to HIPPA, 45 C.F.R. §§ 164.501 and 160.103, and is required to be filed under seal pursuant to the Stipulated Protective Order Governing Confidential Health Information dated June 8, 2004 (Dkt. No. 865).

WHEREFORE Plaintiffs respectfully request that this Court grant them leave to file Exhibit A to the Proposed Final Order under seal.

7/19/2011 Entered Patti B. Saris